

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JEFFREY THEODAT,

Plaintiff,

16 Civ. 3977 (FB)(JO)

- against -

THE CITY OF NEW YORK, Et Al.,

Defendants.  
-----X

**MEMORANDUM OF LAW  
IN SUPPORT OF PLAINTIFF'S MOTIONS IN LIMINE**

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**Preliminary Statement**

This memorandum of law is submitted on behalf of Plaintiff Jeffrey Theodat in support of his motions in limine set forth below.

**ARGUMENT**

**POINT I**

**DEFENDANTS SHOULD BE PRECLUDED FROM RAISING  
PLAINTIFF'S CRIMINAL BACKGROUND**

Defendants should be precluded from raising any aspect of plaintiff's prior criminal history. Plaintiff has been arrested outside of the incident at issue in this matter, but does not have any criminal history that falls within the parameters of Rule 609 of the Federal Rules of Evidence. According to documentation produced by defendants, plaintiff was arrested on several other occasions; to resolve these other arrests, plaintiff pled guilty to disorderly conduct once, and received a couple traffic violations. FRE 609(a) limits admissibility of other criminal conduct to convictions punishable with imprisonment of a year or more, or which go to the credibility of a

witness. Here, the above criminal history fits neither category.<sup>1</sup> Accordingly, defendants should be precluded from raising any aspect of plaintiff's other criminal history in this matter.

### **CONCLUSION**

For the reasons set forth in this Memorandum of Law, plaintiff's motions in limine should be granted, as well as other relief as the Court deems appropriate.

Dated: White Plains, New York  
June 10, 2019

Respectfully submitted,

/s/ John Knudsen  
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<sup>1</sup> Further, even if the disorderly conduct plea was admissible, it occurred more than 10 years ago, and it would be excluded under FRE 609(b) as the prejudice outweighs any probative value.